



Montoya, Darlene <dmontoya@nmag.gov>

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## Los Alamos Response to Resistance Policies and Procedures

2 messages

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**Sgambellone, Dino** <dino.sgambellone@lacnm.us>  
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Mon, Dec 19, 2016 at 2:13 PM

Hello Darlene:

Attached you will find the following:

General Order 219; Response to Resistance along with the form that is utilized to document response to resistance incidents.

General Order 114; Line of Duty Death and Injury.

Also, there is an annual acknowledgement form regarding Response to Resistance and Firearms Safety.

There are other minor references to Officer Involved Shootings such as a response checklist to include post-trauma and other activities. I did not include every reference, but can if you think you'd find them helpful.

With respect to training, Officers attend various trainings that may incorporate certain aspects of Officer Safety, Officer Survival, Defensive Tactics, etc. Additionally, if policy is amended or changed, such change is formally acknowledged. Aside from that, Employees are required to complete an annual acknowledgement of Response to Resistance and Firearms Safety (attached).

Lastly, our entire policy is currently undergoing review in preparation for National Accreditation. The attached policy was published in January of 2015 and the new policy will be published within the first quarter of 2017. At a minimum, all policy requires an annual review.

Please advise if you require further.

Chief Dino Sgambellone

Los Alamos Police Department

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4 attachments

 219 Final.docx

53K



**Response to Resistance FINAL.pdf**

265K



**RESPONSE TO RESISTANCE FIREARMS SAFETY.pdf**

786K



**114 final.docx**

29K

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: "Sgambellone, Dino" <dino.sgambellone@lacnm.us>

Mon, Dec 19, 2016 at 3:24 PM

Chief Sgambellone:

Thank you for your quick response. I will get them and your email printed out to put in a file for the subcommittee.

I hope you and yours have a very Merry Christmas.

[Quoted text hidden]

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Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
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Santa Fe, New Mexico 87501  
[\(505\) 490-4854](tel:5054904854)

<b>219.00 Response to Resistance</b>			
<b>Effective Date:</b>	Jan 1, 2015	<b>Rescinds: Amends:</b>	All Prior
<b>Distribution:</b>	ALL PERSONNEL	<b>Re-evaluation Date:</b>	January 1, 2016
<b>Related NMLEPSC Standards:</b>	ADM.05.01, 02, 04, OPR.12.01		

## I. PURPOSE

The purpose of this General Order is to set forth Los Alamos County Police Department Policy and Procedures regarding response to resistance by officers of the Department by establishing guidelines that are in compliance with New Mexico law for the use of deadly and non-deadly force. This General Order is not meant, nor can it be expected, to encompass all possible incidents in which force is or will be used. This General Order is a guide to actions that might be taken by reasonable law enforcement officers in similar situations with similar knowledge, training and abilities. These guidelines are in accordance with the Reactive Control Model as adopted by the New Mexico Law Enforcement Academy. It is also the purpose of this General Order to set forth procedures for the investigation of incidents involving response to resistance by members of the Department.

## II. POLICY

- A. It is the policy of the Los Alamos County Police Department to respect and value human life. To that end, members of the Department shall use only the minimum effective, reasonable and legal force necessary to protect human life, effect an arrest or to achieve other law enforcement objectives. The response used shall be based upon the principles of the Action-Response to Resistance/Aggression Continuum (hereafter referred to as ARC) and shall be determined by the actions of the involved subject and the Environment in which the subject is encountered. Generally accepted methods of response are identified in the model, with the levels of response corresponding to levels of offender resistance or aggression.
  - a. The list of officer responses provided in the RTR/A form is not intended to be in any specific order, but reflects on the amount of resistance encountered. The officer will choose the necessary response to gain control of the situation based on Department policy, physical capabilities, perception, training, experience and the circumstances encountered.
  - b. When force is used to overcome resistance and/or aggression, whenever possible the suspect should be transported to the detention facility and processed by officers not involved in the response to resistance.
- B. It is the policy of the Los Alamos County Police Department to ensure that a thorough, neutral, fair and impartial investigation is conducted into all incidents resulting in death or serious injury. Such investigations shall be conducted in all incidents in which an officer discharges a firearm (except as listed in Section III, below, of this General Order); in all incidents involving the actual or attempted use of deadly force; in all incidents in which a

death has occurred while the individual(s) is in Department custody; as a result of a vehicle crash involving a Department vehicle; or as a result of other actions by members of the Department. Investigations may be conducted in conjunction with the New Mexico State Police who shall have primary authority for directing the scope of the investigation involving the use of deadly force. Department members shall fully cooperate and assist in such investigations.

C. See also General Orders 218.00– Weapons and 406.01 – Professional Standards.

#### **D. EXCEPTIONS**

- a. Provisions of this policy do not apply to the following incidents unless it involves a death, serious injury or allegations of officer misconduct:
  - i. Shots discharged by accident that are not an attempted use of deadly force and which are investigated in conformance with General Order 218.00– Weapons.
  - ii. Shots properly fired at an approved firing range or during other legal recreational activities involving firearms.
  - iii. Shots fired in the necessary dispatch of a vicious or dangerous animal that is threatening human life or poses a serious threat to a neighborhood and where use of alternatives such as non-lethal weapons or munitions is not working, not practical or not feasible. A firearm may also be used where the dispatch of a sick or injured animal is required and where no other practical alternative is readily available. In such instances where collateral damage or injury results, a supervisor shall immediately be notified who will cause all actions as required in General Order 218.00– Weapons, specifying actions under accidental, negligent and inappropriate firearms discharges to be followed.

### **III. DEFINITIONS**

**DEADLY FORCE** – Any response to resistance that is reasonably likely to result in death.

**EXCESSIVE or UNNECESSARY FORCE** – means force that exceeds the minimum effective amount of force to effect an arrest or that would be more than a reasonable and prudent law enforcement officer would use under the circumstances.

**GARRITY RULE** – refers to the U.S. Supreme Court decision that requires employees be advised of their rights prior to answering questions under certain conditions. See “Garrity v. New Jersey, 385 U.S. 493 (1967)” and LAPD Form No. 4108. Members may be required to answer questions in an Internal Investigation without an attorney being present and are subject to disciplinary action. An attorney is allowed to be present during a criminal investigation interview/interrogation.

**NON-DEADLY FORCE** – Any response to resistance other than that which is considered deadly force. This includes any physical effort used to control or restrain another or to overcome the resistance of another which is not intended nor expected to cause death.

**OBJECTIVELY REASONABLE** – Means that in determining the necessity for the response to resistance and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject(s), and the danger to the community.

**REASONABLE BELIEF** – means a belief that would be held by a reasonable or prudent law enforcement officer in the same circumstances as the acting person.

**PHYSICAL FORCE** – Means the use of empty hand techniques, control holds and/or other force necessary to affect an arrest

**SERIOUS PHYSICAL INJURY** – Means bodily injury which, either at the time of the the actual injury or at a later time as a result of the injury, involves a substantial risk of death, substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks or fractures to bones, or burns of the second or third degree.

**TOX SCREEN** – Means the obtaining of blood and/or urine sample(s) by a qualified medical technician for the purpose of determining the blood alcohol concentration level and/or if drugs are present, their type and levels.

**RESPONSE TO RESISTANCE DOCUMENTATION** – Refers to the appropriate level of reporting when levels of force are employed in which weapons were used. Cases involving death or serious bodily injury normally require in-depth documentation as required during an Internal Investigation (See General Order 108.00 – Professional Standards) whereas the use of physical force not resulting in serious bodily injury only require the submission of a response to resistance Report form. In both situations, the appropriate documentation shall be forwarded through the chain of command to the Chief, Deputy Chief and Staff Services Commander. Upon review of the documentation, the Deputy Chief may require additional information, recommend to the Chief of Police an Internal Investigation or refer the documentation to the appropriate files (e.g., case file, prisoner's file, Professional Standards files, and/or Training files).

#### **IV. PROCEDURES**

- A. **Authorization** for the response to resistance is granted under New Mexico Statutes Annotated, 1978, Section 30-2-6, and states, in part, that:
  - a. Police officers are authorized to use deadly force in order to protect themselves and others from what is reasonably believed to be an immediate threat of death or serious bodily injury; and
  - b. When necessarily committed in re-taking felons when the officer has probable cause to believe that the escape will pose a significant threat to human life if not re-captured.
    - i. Relevant factors in determining whether probable cause exists to believe that the fleeing felon will pose a significant threat to human life will include, but are not limited to, the nature of the felony and whether the felon is believed to be armed.

- ii. For the purpose of this General Order, justifiable homicide is necessarily committed when an officer, in the performance of his or her/their duties has probable cause to believe that s/he or another is threatened with serious bodily injury or deadly force while performing their lawful duties.
  - iii. Before using deadly force, police officer shall, where feasible, identify themselves and state their intent.
  - iv. *Warning shots are prohibited.*
- B. **Where deadly force** is not reasonable, officers should assess the incident in order to determine which less lethal level of force or weapon will be best to de-escalate the situation, allow the officer to prevail and bring it under control. Officers are authorized to use less lethal force techniques and issued equipment for resolution of incidents as follows:
- a. To protect themselves or another from physical harm;
  - b. To restrain or subdue a person physically resisting the officer; or
  - c. To bring an unlawful situation safely and effectively under control.
- C. Whenever feasible, the officer should, if not readily apparent, **identify him/herself as a police officer**, warn of their intentions and advise that the response to resistance is imminent.

#### D. Response to Resistance

As a person increases his or her resistance level from verbal to physical, an officer may have to increase the level of his or her response until the resistance ceases and the officer is able to gain control of the person. As soon as the point of the person's compliance is reached, the officer must de-escalate his or her response level to the minimum effective level of force to control the person and accomplish the law enforcement objective.

- a. Escalation and de-escalation of resistance levels may increase or decrease without going through the intermediate levels.
- b. There is always an option to de-escalate or disengage at any point.
- c. Factors involved in making a decision regarding the level of response to resistance by a person include:
  - i. The seriousness of the crime committed by the person
  - ii. Size, age and weight of the person
  - iii. Apparent physical ability of the person
  - iv. Number of persons present who are involved or who may become involved
  - v. Weapons possessed by or readily available to the person
  - vi. Known history of the use of violence by the person
  - vii. Presence of innocent or potential victims in the area
  - viii. Whether the person can be recaptured at a later time
  - ix. Whether evidence is likely to be destroyed

- d. Factors involved in making a decision regarding the level of response to resistance by an officer include:
  - i. Size, physical ability and defensive tactics expertise of the officer
  - ii. Number of officers present or available
  - iii. Immediate reaction in the case of a sudden attack
  - iv. Weapons or restraint weapons available to the officer
  - v. Legal justification
  - vi. Department Policy
  - vii. Environment

#### **E. Levels of Resistance by a Person**

- a. **Verbal Resistance** – a person may verbally refuse to comply with an officer's directive or attempt to control a situation. The person may threaten the officer with further resistance or the person may not respond to the officer's directions or orders.
- b. **Passive Physical Resistance** – a person physically refuses to comply or respond. S/he does not make any attempt to physically defeat the officer's actions but forces the officer to employ physical maneuvers to establish control.
- c. **Active Physical Resistance** – a person makes physically evasive movements to defeat the officer's attempts at control. This may be in the form of bracing or tensing or attempts to push/pull away, fleeing, or not allowing the officer to get close to the person.
- d. **Unarmed Threatening** – a person makes verbal threats against an officer or another, assumes a threatening posture or takes any other action that would place a reasonable officer in fear of an impending attack against the officer or another.
- e. **Unarmed Attack** – a person closes distance towards the officer or another in a threatening manner, makes overt, hostile, attacking movements which are likely to cause injury, but are not likely to cause death or great bodily injury to the officer or others, or placed the officer or another in fear of receiving an immediate battery.
- f. **Armed Threatening** – a person makes verbal threats against an officer or another, or assumes a threatening posture while armed with a weapon or any object that could be used as a weapon.
- g. **Armed Attack** – a person demonstrates his or her intent to use a weapon capable of inflicting great bodily harm or death upon the officer or another by closing distance in an attempt to use the weapon on the officer or another or in the case of firearms, pointing the firearm at the officer or another.

#### **F. Officer Response Levels/Force Continuum –**

- a. An officer's response to the resistance given by a person should be proportionate to the amount of resistance offered. An officer should as reasonably possible follow the guidelines listed below regarding the officer's response to any level of resistance, threat or attack by a person.

- b. **Officer's Presence** – The authority given by the State of New Mexico to an officer to take control of situation within the officer's jurisdiction when a crime has been committed or in the interest of public peace and welfare.
  - i. **Arrival** – the officer is on the scene and in the close or immediate presence of the person. This includes proper voice and/or other identification, body language and awareness by the person that s/he is dealing with a law enforcement officer.
- c. **Communication** – used throughout any incident to direct and control those involved, in the effort to bring any situation to a conclusion. Officers should where reasonable give clear directions or commands to resistant or threatening persons so that they understand what actions are required of them by the officer.
  - i. **Dialogue** – a two-way, controlled, non-emotional communication between the officer and the person, aimed at problem identification and/or resolution.
  - ii. **Verbal Direction** – the officer tells or commands a person to engage in, or refrain from, a specific action or non-action.
  - iii. **Touch** – the officer employs a passive physical contact to comfort, console, or obtain the attention of a person in a non-confrontational situation.
- d. **Physical Control** – empty hand manipulation of a person by the officer, or use of chemical irritants in an attempt to move, gain physical control of, handcuff, or otherwise physically restrain a person. Physical Control is generally used on a person who is under arrest, resisting, threatening, or attacking an officer or other person. The level of physical control used against a person is dependent on the level of resistance offered by the person and in consideration of the Response to Resistance in "D" above. The lowest effective levels of physical control to affect the movement, arrest or restraint, should be used. Chemical irritants (OC spray) should be used only on active physically resistant, threatening (armed or unarmed), and attacking persons. The following examples of physical control techniques should be considered.
  - i. **Escort Positions or Come-Alongs** – techniques that direct or re-direct, in a controlled manner, a person from one place to another with minimum effort by the officer in order to gain and retain control over the person.
  - ii. **Take-Downs** – techniques that redirect, in a controlled manner, a person to the ground in order to limit his or her physical resistance and to facilitate the application of a restraint device.
  - iii. **Pain Compliance** – techniques that force a person to comply with the officer as a result of the officer's application of controlled pain upon specific body joints of the person, such as pressure point techniques.
  - iv. **Counter Moves** – techniques that impede a person's movement towards and/or an attack on the officer or others, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting or avoiding followed by the use of appropriate controlling techniques.



- v. **Restraint Devices** – mechanical tools used to restrict a person’s movement and to facilitate searching, such as handcuffs, flex cuffs, leg irons, belly chains or other such devices.
  - vi. **Chemical Agent** – the use of approved Department chemical agents that are naturally occurring inflammatory agents.
- G. **Intermediate Weapons** – weapons that are authorized by the department and are primarily used against a person who is resisting control and/or custody by active physical resistance, unarmed/armed threats or has attacked the officer or another. When reasonably able to do so an officer should present the intermediate weapon and declare the intent to use the intermediate weapon on the person prior to its use. Specific policy regarding the use and care of authorized intermediate weapons is outlined below.

**a. Oleoresin capsicum spray (OC)**

- i. OC spray is the lowest level of intermediate weapon available to the officer and should be considered when other levels of physical control have been deemed ineffective or impractical.
- ii. OC spray should not be used on any person when an officer has reason to believe the person has a respiratory disease.
- iii. An officer who uses an OC delivery system consisting of a coherent stream shall not use the OC closer than 3 feet when spraying into the persons face.
- iv. Any officer using OC should be aware of the secondary impact on bystanders and the panic that may be caused if used in a crowded situation.
- v. After the use of OC on any person EMS will be called to the scene to flush the persons face with clean water and observe until the effects have subsided. No person will be transferred to the detention center without first being cleared by EMS or other medical personnel.

**b. Taser**

**i. Definitions**

**AFID- Anti-Felon Identification** – Small, round, paper and plastic tags bearing printed identifying information, included in a Taser cartridge.

**Barb** – Is the straightened hook like end of the probe that penetrates the target.

**Cycle** – Is the standard 5 seconds the Taser is actively producing an electronic charge.

**Deploy** – The use of the ECD/Taser.

**DPM battery pack – Digital Power Magazine** – A battery pack used with the X26 electronic control device that holds lithium energy cells and additional circuitry.

The DPM is inserted into the handle of an X26 ECD like the magazine in a pistol. The DPM is sometimes called the “battery”.

**Drive-Stun** – A technique in which an ECD/Taser is placed directly against the subject and the electronic discharge is transmitted through metal conductors on the Taser or on an exploded cartridge. A drive-stun affects the sensory nervous system (pain compliance), and is more likely to leave marks on the subject’s skin.

**ECD – Electronic Control Device** – Any device that uses electricity to affect a subject.

**Objectively Reasonable** – Means that in determining the necessity for the response to resistance and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject(s), and the danger to the community.

**Probe** – The projectile of a Taser cartridge. A probe is also called an electrode and has a barb attached to the forward traveling end.

**RCM – Reactive Control Model** – Model used to guide law enforcement officers during incidents that require the response to resistance and helps investigators analyze such action.

**Reasonable Belief** – Means a belief that would be held by a reasonable or prudent law enforcement officer in the same circumstances as the acting person.

**Taser Cam** – An audio-video (black and white) recording accessory that replaces a DPM in the X26. The Taser Cam is rechargeable.

**Taser Cartridge** – A part of a Taser that includes the probes, wire, and gas capsules.

**Taser Control Officer** – Certified Taser Instructor. Officer(s) responsible for inventory, issuing, repair, and replacement of the ECD/Taser and its accessories.

ii. Use of the ECD/Taser

- ◆ ECD/Tasers shall be departmentally issued and used only by authorized personnel trained in and certified in its use.
- ◆ Users will be certified in the use of the ECD/Taser.
- ◆ Users will deploy the ECD/Taser at least two times to become familiar with the use, nomenclature, and trajectory of the probes.
- ◆ Users will also be exposed to the ECD/Taser by experiencing at least one (1) live cycle, similar to the exposure/certification of Oleoresin Capsicum (OC).

- ◆ Only properly functioning and charged ECD/Tasers shall be carried for field use. Improperly functioning or broken ECD/Tasers shall be returned to the Taser Control Officer as soon as practical for repair or replacement.
- ◆ Upon firing the ECD/Taser the user shall energize the subject the least amount of time using the least amount of deployments, necessary to affect the arrest or objective.
- ◆ In determining the need for additional cycles, the user should be aware that an energized subject may not be able to respond to commands during or immediately following the exposure.
- ◆ When firing the ECD/Taser the user shall aim to hit the subject in the preferred target zones.
  - The preferred target zone when the subject is facing the user is the lower torso
  - The preferred target zone when the subject is facing away from the user is any part of the body below the neck.
- ◆ Use of the ECD/Taser in a drive-stun application or actual deployment is to be used only on Actively Resisting, unarmed threatening, unarmed attacking, armed threatening and armed attacking subjects, and Decisions to use the ECD/Taser shall involve the same basic justification as other intermediate weapons. As such, ECD/Taser users will:
  - Never use the ECD/Taser in a punitive or coercive manner.
  - Never use the ECD/Taser on a handcuffed prisoner/subject unless they continue to use violence against an officer, another person, or themselves which cannot be controlled by other means.
  - Consider the severity of the offense, possible danger to the subject or community if the subject escapes and immediate need for apprehension before an officer uses an ECD/Taser on a fleeing subject and then only if the subject is fleeing from an officer attempting to make a lawful arrest.
  - Not utilize the ECD/Taser in any environment where an officer knows that potentially flammable, volatile, or explosive materials are present (including but not limited to OC spray with volatile propellants, gasoline, natural gas, drug labs, or propane).
  - Not utilize the ECD/Taser in any environment where the subject's fall could result in serious injury or death (such as in water or on an elevated structure).
  - Not utilize using the ECD/Taser on subjects who are passively resisting.

- Not use the ECD/Taser on obviously pregnant females, unless such person poses an immediate risk of great bodily harm or death to an officer, themselves, or another person.
- Never use the ECD/Taser on persons with obvious debilitating illness or the obviously fragile elderly.
- Never use the ECD/Taser on persons that appear to weigh under eighty (80) pounds.
- Never use the ECD/Taser on persons in wheelchairs, unless such person poses an immediate risk of great bodily harm or death to an officer, themselves, or another person
- Never use the ECD/Taser on persons who the officer reasonably believes or has knowledge that such person uses a pacemaker or other bio-medical devices sensitive to electrical current.

### iii. Holstering and Securing

- ◆ Under no circumstances will the ECD/Taser be holstered next to a firearm.
- ◆ The ECD/Taser will be carried opposite of the user's firearm also known as the support side.
- ◆ The ECD/Taser will be secured in a department issued or approved holster.
  - Drop down holsters/Tactical Holsters may be used to accommodate officers who do not have sufficient room on their duty belt. Uses of these types of holsters require the approval of the Chief or his designee.

### iv. ECD/Taser Officer Responsibilities

- ◆ Ensure that the ECD/Taser issued to the user is properly functioning on a regular basis.
- ◆ Spark tests will be conducted at least twice a week or prior to shift.
- ◆ Ensure that the DPM battery pack is still above a 20% power reading for duty use.
  - If the DPM battery pack is reading below 20% ensure that another DPM is obtained as soon as practical.
- ◆ If the issued ECD/Taser is equipped with a Taser Cam ensure that it is charged prior to shift.
- ◆ Ensure that you carry a minimum of two ECD/Taser cartridges at all times while on duty.

- ◆ Officers should have a cartridge issued after a deployment or as soon as practical.
- ◆ Prior to the deployment of the ECD/Taser, if practical, request emergency personnel to your location for post deployment aid.
- ◆ Ensure that each discharge, excluding spark tests or official training, are documented by submitting a response to resistance Report.
- ◆ Contact the ECD/Taser Control Officer to download video data as soon as practical after every field deployment.

v. Supervisory Responsibilities

- ◆ Maintain an adequate supply of Taser Cartridges.
  - At least one extra Cartridge should be available per assigned officer on shift.
- ◆ Ensure that the accurate serial number of the ECD/Taser Cartridge is forwarded to an ECD/Taser Control Officer when issued to personnel.

vi. ECD/Taser Control Officer Responsibilities

- ◆ Receive, inspect, and issue ECD/Tasers.
- ◆ Repair or replace defective or damaged ECD/Tasers, cartridges, and related accessories.
- ◆ ECD/Taser Control Officer will service or repair the device only if he or she is a certified ECD/Taser Armorer.
- ◆ Maintain records of issued ECD/Taser serial numbers, firing data, and video data.
- ◆ Maintain an adequate supply of cartridges, batteries, holsters and Taser Cams to be issued.
- ◆ Only Department approved/issued battery power sources, holsters, and other accessories shall be used. ECD/Taser and other issued accessories shall not be altered or modified in any way without authorization from the Chief of Police or his or her designee.
- ◆ Maintain ECD/Taser Instructor / Armorer certification.

vii. Post Deployment of the ECD/Taser

- ◆ Notify a supervisor if one is not on scene.

- ◆ Users shall have subjects who have been exposed to the ECD/Taser treated as soon as possible by EMT or Paramedics of the Los Alamos County Fire Department or a qualified physician after the application of force and prior to incarceration or any other action.
- ◆ Only EMT or Paramedics of the Los Alamos County Fire Department or a qualified physician will remove the probes from the subject that has been energized by the ECD/Taser.
- ◆ Upon removal of the probes from the subject, the user shall inspect the probe to ensure the barb is attached to the probe.
- ◆ If the barb separated from the probe the subject must be transported to the Los Alamos Medical Center to have the barb removed from the subject's body.
- ◆ Photographs of the affected area shall be taken before and after the probes are removed, if practical.
- ◆ The user shall collect the cartridge, probes, and at least one Anti-Felon Identification (AFID) tag as evidence.
- ◆ Probes with attached barbs or barbs alone will be entered into evidence utilizing a sharps container.

#### **c. Expandable Baton**

- i. The expandable baton is your primary intermediate control impact weapon.
- ii. The expandable baton is used to counter an unarmed, attacking subject or higher level of resistance only.
- iii. Target Areas to strike will include the extremities; arms from the shoulder to the finger tips, and legs from the top of the femur to the toes, both front and back.
- iv. Strikes should be delivered to the largest portion of the target area; Muscles, Joints, Bones.
- v. The Avoid Strike Areas will include the torso; from the groin to the clavicles, both front and back.
- vi. The No Strike Areas will include the neck and head, both front and back; unless the use of deadly force is indicated

#### **H. Deadly Force**

- a. **Deadly Force** - An officer may only use deadly force when that officer reasonably believes that the deadly force is necessary in the defense of human life, including the

officer's life, another officer's life, or in defense of another person who is in immediate danger of loss of life or serious bodily harm. Deadly Force includes:

- i. Any technique that is likely to result in death, serious bodily injury or disfigurement, the use of the officer's firearm or impact weapon strikes to the head.

## **I. Training**

- a. All sworn law enforcement officers, detention officers and authorized Public Service Aides will receive appropriate Department approved training in the use of weapons and defensive tactics before being allowed to carry or use any weapon or before assuming duties in their respective assignments. They shall also review the training at least once a year with their supervisor and/or a qualified Department Firearms/Defensive Tactics Instructor who will document the training and certify the member in the use of any weapon and defensive tactics. They shall maintain any required and appropriate certifications regarding weapons and defensive tactics as may be required by their Commanding Officer or Department Policy
- b. The Operation's Commander shall assign a qualified instructor(s) to conduct the required training as required. The instructor(s) shall file a detailed lesson plan with the Department Commander for approval and the lesson plan, together with a list of all personnel receiving the training shall be filed with the Commander of Staff Services upon completion.

## **J. Medical Treatment Required**

- a. When any level of force is used that results in direct physical impact, either through the use of a weapon such as a firearm or baton, or simply by person-to-person contact such as those listed in Physical Control, above, that causes a visible injury or the complaint of an injury, the officer shall have the subject examined and/or treated by an EMT or Paramedic of the Los Alamos County Fire Department or a qualified physician as soon as safely possible after the application of force and prior to incarceration or any other action.

## **K. Documentation of Medical Treatment**

- a. The subject will be asked to sign a release of medical information form in order for the officer to obtain copies of the EMT's or Paramedic's or physician's assessment of the injury(ies). If the subject agrees, copies of the assessment will be obtained and attached to the officer's report.
- b. If the subject refuses treatment, the subject will be asked to sign a treatment waiver form.
  - i. If the subject agrees to sign the waiver, one copy of the waiver will be attached to the officer's report and a second copy will be placed in the subject's file in the Detention Center or provided to the reception official at another appropriate facility where the subject is placed.

- ii. If the subject refuses to sign the waiver, the officer will note in the offense report the subject's refusal to sign along with the identification information of the attending physician and/or nurse witnessing the refusal to sign.
- iii. The officer will obtain a medical release from the attending physician prior to transporting the subject to the Detention Center or other appropriate facility. One copy of the release will be attached to the officer's report and another will be placed in the subject's file in the Detention Center or provided to the reception official at another appropriate facility where the subject is placed.
- c. In the event that the injuries are visible, the on-duty supervisor shall insure that they are photographed, with the consent of the subject. The photographs will be processed and included in the case file.
- d. If the subject refuses to allow photographs, this fact will be documented in the offense report and include the identification information of any witnesses to the refusal.

#### **L. Reporting Response to Resistance Incidents**

- a. Any officer involved in a response to resistance incident shall:
  - i. Immediately notify the on-duty supervisor of the incident and the location.
  - ii. Render first aid and summon medical assistance, if necessary.
  - iii. Protect the scene until relieved by another officer or a supervisor.
- b. Complete an offense and all other appropriate reports before going off-duty.  
**EXCEPTION:** An exception will be made if the officer is physically unable to fulfill these duties.
- c. The Commander of the Staff Services Bureau shall keep a log of all response to resistance reports completed. The log shall include the CFS number, name(s) of officer(s) involved, date of the incident, type of force used, and disposition of the case.
- d. The Commander of the Staff Services Bureau shall compile an annual report to the Chief of Police detailing and summarizing all response to resistance incidents. This report shall be due to the Chief of Police no later than January 31, of each year. The report shall identify any training needs, policy updates, and an implementation plan, if necessary. The Staff Services Commander may establish a committee consisting of him/herself, the Internal Investigation Investigator, Commander, a Department Training and/or Firearms Instructor and a line officer to assist in the review of all response to resistance reports.
- e. After any Response to Resistance Incident the on-duty supervisor will:
  - i. Investigate the incident and submit a Response to Resistance summary report before the end of his or her shift, through his or her chain of command to the Staff Services Commander, the Deputy Chief, and Chief of Police, which details and documents the incident and his or her investigation.



- ii. Collect and submit all evidence, as appropriate.
  - iii. Review and ensure that the offense report and all other required documentation is completed per Department Policy.
  - iv. In the event that the involved officer is injured and unable to complete the required reports and notifications, it shall be the duty of the supervisor to complete and file such reports and make the necessary notifications immediately and not later than the end of shift.
  - v. In the event that the officer involved is injured, the supervisor shall file the required injury form (LAPD Form 334).
- f. The Chief of Police, through the chain of command, shall be contacted for the purpose of initiating an investigation in any of the following instances:
- i. When the response to resistance results in death or serious bodily injury;
  - ii. When a complaint of excessive force is received and filed in accordance with the provisions in General Order 406.01 – Professional Standards; or
  - iii. When the officer(s) are seriously injured and the subject(s) is at-large.
  - iv. When a subject dies while in Department custody.
- g. Exception
- i. Response to Resistance incidents *do not include* training exercises or demonstrations nor any accidental injury sustained during such events.
  - ii. Response to Resistance incidents on tactical operations do not require an RTR form if the response only places the person on the ground and does not result in injury or complaint. The action, however, will be annotated in an after action report.

#### **M. Department Response to Response to Resistance Incidents**

- a. When an officer's response to resistance results in death or serious bodily injury, the officer will be placed on routine administrative leave until the Internal Investigation has been completed and the officer is ready and authorized by the Chief of Police to return to duty. Officers placed on Administrative Leave will be responsible for advising their Commanding Officer of their whereabouts should contact be needed. They shall make themselves available as needed or directed. At the discretion of the Chief of Police such investigation may be conducted or assisted by the New Mexico State Police.
- b. The Department will provide all Department members the opportunity to attend a critical incident debriefing conducted by the Chief of Police and the Command Staff and any follow-up treatment or counseling through the County's Employee Assistance Program. The Chief of Police may also issue memorandums to the members of the Department concerning the incident in order to make sure all personnel are kept properly informed.

- c. At his or her discretion the Chief of Police, in addition to any Internal Investigation, may appoint a review committee for any response to resistance incidents involving death or serious bodily injury. The committee will generally consist of the following individuals: The Internal Investigation Investigator, Bureau Commander(s), a Department Training and/or Firearms Instructor and a line officer.
- d. Response to resistance/aggression procedure: The Department will investigate the action of any employee that results in, or is alleged to have resulted in, injury or death of another person or any incident involving the response to resistance/aggression applied through the use of a less lethal weapon or bodily force or lethal weapon.
  - i. The involved member will immediately notify his or her immediate supervisor and will, as soon as practical, complete a "Response to Resistance/Aggression Report" when the ARC as either the amount of resistance encountered or the response level qualifies as a level 2 or higher.. The report shall be completed by the end of the officer's tour of duty unless extended by the section/ shift commander at which time a report will be submitted by the approving supervisor to the Command Staff via electronic mail.
  - ii. The RTR/A report will include the subject's and officer's response, note any injuries to any involved party, medical treatment provided or required, names with address and telephone numbers of any witnesses to the incident and a narrative of all relative circumstances and facts of the incident. A copy of the offense report will be submitted with the RTR/A Report.
  - iii. Every employee who witnessed but was not involved in a Level 3 or above RTR/A incident shall submit a modified RTR/A Report prior to the end of their tour of duty, documenting their observations.
  - iv. As soon as practical, the supervisor will notify the applicable Bureau Commander, Deputy Chief and the Chief of Police via "Staff Command" electronic mail Command Staff via e-mail. The e-mail shall use the approved template and includes the date and time of the response to resistance/aggression, the officer(s) involved, the subject against whom the force was used, and any injuries involved.
  - v. Response to resistance/aggression procedures during tactical deployments should be documented as thoroughly as possible but may be modified with approval of the Chief of Police due to special circumstances. Officers involved in multiple jurisdictional deployments will be governed by the operational directives of the tactical team as approved by the unit's administration. Absent clear procedures, this directive will be followed.
  - vi. If the response to resistance/aggression results in serious injury to the officer or serious injury or death to any person and/or involves an officer in a shooting, the supervisor shall immediately notify the Chief of Police, Deputy Chief, and Bureau Commanders.
  - vii. Response to resistance/aggression investigation: The Department will investigate all response to resistance/aggression incidents to determine if the

response to resistance/aggression used was reasonable and consistent with Department policy.

- viii. All response to resistance/aggression incidents will initially be investigated by the supervisor in charge of a shift, unless the supervisor is involved in the response to resistance/aggression or the response to resistance/aggression is likely to result in serious injury or death. Response to resistance/aggression involving a supervisor or force that is likely to result in serious injury or death will be investigated by the applicable Bureau Commander or his or her designee unless otherwise directed by the Chief of Police.
- ix. The shift or section supervisor or assigned investigator will be responsible for gathering all witness statements and interviewing the subject for the completion of the investigation for all RTR/A incidents that has resulted in injury or complaint and in all incidents of level 3 or higher.
- x. Each Response to Resistance/Aggression Report shall include but not be limited to statements oral and or written statements from officers, witnesses, and persons against whom force was used. The report should include all related evidence such as audio/video tape recordings, a summary of observations, and a comprehensive review to include comments as to whether the response to resistance/aggression was reasonable and consistent with Department policy. If the subject is taken into custody, it may be necessary that the subject be advised of their constitutional rights prior to the interview. Photographs shall be taken whenever possible.
- xi. The applicable Bureau Commander will review the report and forward same to the Chief of Police or his designate
- xii. The review will ensure that a preliminary investigation is completed based on current policy and required reports are submitted. The commander will make comments as appropriate.
- xiii. The Chief of Police, his or her designee or the investigating team may request another Department or agencies to participate in the investigation based on their qualifications and/or to lend credence to the investigation.
- xiv. Once the investigation is complete, response to resistance/aggression and /use of firearm reports will be reviewed by the applicable defensive tactics/range team leader for comment, and recommendations including modification of training plans when appropriate. This need not be a formal documented review unless otherwise directed by the Chief of Police.
- xv. The final report and issuance of any finding shall then be forwarded to the Chief of Police or his designee for review and concurrence/modification. Certain data will be collected at this step for analysis.
- xvi. The Chief of Police or his or her designee may forward for review any information and/or reports connected with response to resistance/aggression only in cases of questionable response to resistance/aggression or where there is a possible violation of law.

- xvii. Concurrent investigation: A concurrent investigation of any response to resistance/aggression that is likely to result in serious injury or death or where there is a possible violation of law will be conducted in a manner as determined by the Chief of Police.
- e. Response to resistance/aggression reporting (lethal or less lethal weapon): The officer will report response to resistance/aggression including less lethal or deadly force immediately to his or her immediate supervisor and will, as soon as practical, file a "Response to Resistance/Aggression Report". In the event the involved officer is incapacitated or otherwise incapable of making proper notification(s) or report(s), the officer's immediate supervisor will initiate such measures.
  - i. The supervisor will notify the applicable Bureau Commander and Command Staff via electronic mail prior to the end of the shift and will initiate investigation unless otherwise directed.
- f. Response to resistance/aggression reporting (weaponless force): Bodily force by means of a defensive tactic or technique or any other bodily force to overcome resistive tension shall be documented on a "Response to Resistance/Aggression Report". However, minor hand-to-hand control techniques, such as handcuffing, physically touching, or gripping to overcome minor resistive tension, or escort techniques shall be reported on an incident report or narrative of the arrest form. Any bodily force resulting in an injury must be reported on a "Response to Resistance/Aggression Report".
  - i. The supervisor will notify the applicable Bureau Commander and Command Staff via electronic mail of reportable RTR/A incidents prior to the end of the shift and will initiate investigation unless otherwise directed.
- g. All in-custody injuries will be reported via Chief's Report including those not reported as a Response to Resistance event.

**N. Review of Response to Resistance/ Aggression/ Discharge of Weapons incidents.**

- a. A complete report and investigation of any response to resistance/aggression as required shall be forwarded to Command Staff. The report will be completed by the Deputy Chief. The reviews should determine whether there are policy, training, weapon/equipment, or discipline issues that should be addressed.

**O. Employee Removal Pending Review**

- a. In the event that an employee's actions, including response to resistance/aggression, result or are alleged to have resulted in the proximate death or serious physical injury of another, the employee shall be removed from line duty by the shift commander and placed on administrative leave pending an administrative review of the incident.
- b. When practical, the first officer on the scene following an officer involved shooting shall secure the officer's weapon and impound the weapon submit it as evidence. The on-duty supervisor may provide a replacement weapon.

- c. The employee shall be afforded the services of examined by a professional psychologist and/or psychiatrist while the case is under investigation and pending findings by the Chief of Police prior to returning to duty. Professional assistance may include critical incident stress debriefing.

#### **P. Scene Security**

- a. The scene of any response to resistance incident resulting in death or serious bodily injury shall be secured immediately with a perimeter established for a sufficient distance to preserve any evidence. The following steps should be completed promptly:
  - i. Take immediate steps to secure the scene and control access.
  - ii. Take a series of photographs to show things that will or may likely change. Minimize inadvertent alteration of evidence while taking photos.
  - iii. Protect, or collect if necessary, evidence in danger of being lost or destroyed, such as shoe prints, fingerprints and firearms evidence.
  - iv. Record transient details such as vehicles in the area, lighting, weather, furniture moved for emergency medical personnel, etc.
  - v. Start a crime scene log of all persons entering the scene(s), the times of their entry and exit, and the reason for their entry.

#### **Q. Notifications**

- a. Personnel on scene will immediately notify the on-duty supervisor of the incident and its location(s) who in turn shall notify, or cause to be notified, the chain of command for the Department.
- b. Personnel on scene **shall NOT notify** the Medical Investigator's Office or any other agency without the direct and specific orders of a Command Officer or the Chief of Police who shall make, or cause to be made, such notifications in a timely and appropriate manner (pursuant to 24-11-5 NMSA 1978).
- c. The Chief of Police, or his or her designee, shall determine if Department personnel will process the scene and conduct any investigations or if an outside agency, such as the New Mexico State Police, will be called in to assist or handle the case. The Chief of Police may determine that an Internal Investigation and Criminal Investigation be conducted and shall assign those duties accordingly.
- d. Should a serious injury or death occur to a member of the Department, the family shall be notified by the Chief of Police or a Department Commander. If the family is located within Los Alamos County or within forty (40) miles of the Department, and if at all possible, such notification will be made in person. If the family is located elsewhere, the Chief of Police may appoint a Command Officer to make the in person notification and be accompanied by a Chaplain and/or other appropriate members of the Department. A Chaplain shall accompany the Chief or his or her designee during the notification and render assistance to the family in accordance with their duties and responsibilities. Family members may be provided transportation to the hospital and,

if necessary, arrangements for family care will be made. All possible assistance will be rendered to the injured member and his or her family.

## **R. Scene Investigation**

- a. The first supervisor on scene shall be in charge and is responsible for:
  - i. Making sure the scene is safe and that no further threat is present;
  - ii. Summoning any additional assistance needed;
  - iii. Securing the scene;
  - iv. Directing the officer(s) involved, medical and all other personnel;
  - v. Apprehending any fleeing person(s), if possible or appropriate.
- b. Once it becomes apparent that an officer has used deadly force, s/he shall limit their questioning of the officer(s) involved to a basic determination of what happened, who was directly involved, who witnessed the incident and the location of the/any subjects not at the scene, if known.
- c. Until determined by the Chief of Police, or his or her designee, as to who shall process the scene and/or conduct the investigation(s), the scene shall only be secured. No processing of the scene will be conducted until authorized by competent authority.
- d. If any weapon or other instrument was involved in the use of deadly force incident, the supervisor on scene shall promptly see to their being photographed in place first and then to the security and collection of such items. If the scene is secure, weapons or instruments will be left in place.
- e. The involved officer(s) will be separated and escorted from the scene to Police Headquarters, or if necessary to the hospital. If taken to Headquarters, s/he/they will be kept separated and appropriately isolated. If the officer(s) involved is/are still in possession of their weapon(s) or the weapon(s) involved in the incident, they shall, as discretely as possible, be relieved of the weapon(s) and leather gear by a Command Officer. The Command Officer obtaining the weapon shall be responsible for its preservation and placement into evidence. If the weapon is in its holster it shall not be removed, opened, unloaded or tampered with in any way. The assigned investigative officer will be responsible for its processing. The Command Officer will obtain and issue a replacement weapon(s) to the officer(s) as soon as practical. The officer(s) shall qualify with the weapon(s) before returning to duty.
- f. The officer(s) shall not be left alone for any reason during this time. Member(s) of the Department who are assigned to accompany the officer(s) shall not engage in any questioning of the involved officer(s) regarding the incident.
- g. Any officer involved shall cooperate fully with investigators and will submit to an interview if directed to do so by supervisory or investigative personnel. They may also be directed to submit written reports or memorandums. Procedures as set forth in

General Order 406.00 – Professional Standards may apply (including the Garrity Rule).

- h. The investigator in charge will make arrangements, as soon as possible, for the involved officer(s) to submit to a Toxicology or Tox Screen at the hospital's emergency room. This shall be done before any formal interview of the officer(s). Two samples shall be collected, one for testing and the other for evidence.
- i. All members of the Department involved, including those who assisted at the scene and during the initial investigation, shall complete all required reports, supplemental, memoranda, evidence forms and documents as soon as possible.
- j. Members **SHALL NOT** discuss the incident amongst themselves or with others, **EXCEPT** for their attorney(s), Internal Affairs investigator(s), and/or criminal investigators assigned to the case.

#### **S. Access to Involved Officers**

- a. Only the following persons may be present during questioning of an involved officer:
  - i. The involved officer.
  - ii. The involved officer's attorney, at the officer's discretion.
  - iii. Investigators assigned to the criminal investigation.
  - iv. Internal Affairs investigator(s) will watch the interview by television monitor or from an adjacent room to see and hear the interview. The only time they may be present during an interview is if it is not possible to watch and hear via television monitor or from an adjacent room or if Garrity applies, as set forth in General Order 406.00 – Professional Standards.
  - v. Other appropriate person(s) as approved by the Chief of Police.

#### **T. Responsibilities of the Criminal Investigation Team Supervisor**

- a. Ensure that there is a thorough and impartial investigation of all incidents within the scope of the team's responsibilities in accordance with Department policy and procedures, and the laws of the State of New Mexico.
- b. Forward to the Chief of Police a full copy of the completed investigation together with all associated photographs, documents and other information as a "CONFIDENTIAL" communication as soon as they are prepared.
- c. After conferring with the Chief of Police, submit the case to the District Attorney's Office for review and preferment of charges or decision not to prosecute.
- d. If in the event criminal charges are filed, to secure and retain all documents and evidence until the completion of any criminal or civil action(s) against the Department.

- e. To ensure that every effort is made to protect the officer(s) involved in a use of deadly force case and his or her/their families by not releasing any personal information such as, home address, phone numbers, family name, etc.

#### **U. Responsibilities of Professional Standards Investigators**

- a. Respond to the scene of an incident when requested by the Chief of Police to observe the investigation, determine policy adherence, and report their observations to the Chief of Police and/or the Commander of the Police Services Bureau.
- b. Review all pertinent and appropriate cases submitted by the Detective Unit and/or outside agencies and to conduct their own Internal Investigation into the incident when so directed by the Chief of Police.
- c. Monitor all response to resistance incidents, maintain appropriate files and provide analytical reports to the Chief of Police on an annual basis or as requested.
- d. Keep the Chief of Police informed and advised of all response to resistance incidents and investigations in progress.

#### **V. Public Information Responsibilities**

- a. Prior to making public any information in reference to a response to resistance incident or investigation, the Commander (or other designated individual), who is normally assigned the responsibility of Media Relations, will coordinate with the Chief of Police and any others designated by the Chief, to ensure that the information can be released without jeopardizing any investigation or court order and that the information being released is as accurate as possible.
- b. The individual responsible for releasing information to the public and/or the news media will make certain that every effort is made to protect the involved officer(s) and his or her/their family(ies) by not releasing any personal information such as home address, phone numbers, etc.

#### **W. Post Critical Incident Support**

- a. Follow-up of the officer's well-being will be the responsibility of the officer's supervisor or other individual assigned by the Chief of Police. The involved officer(s) shall have immediate and reasonable access to a Chaplain and/or the Employee Assistance Program.
- b. All involved officers will be required to meet with a Department designated psychiatrist/psychologist and be released from their care prior to being released from Administrative Leave and returned to duty status. Any follow-up visits will be determined by the psychiatrist/psychologist.
- c. All involved officers will be required to meet with a Department Firearms Instructor and re-qualify with their weapon(s) before returning to duty status.
- d. Members of the Department and their families are reminded and encouraged to take advantage of the County's Employee Assistance Program if needed.



## **X. Other Agency Jurisdiction**

- a. In the event that a member of the Department is involved in a response to resistance incident in another law enforcement agency's jurisdiction, that agency will assume the lead in any investigation. The member shall fully cooperate with that agency and the assigned investigators. The Chief of Police will assign a member of the Department to conduct a parallel investigation

**Approved by:**

A handwritten signature in black ink, appearing to read "Dino Sgambellone". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'D'.

Dino Sgambellone  
Chief of Police



# Los Alamos Police Department

## RESPONSE TO RESISTANCE

CASE DETAILS			
Case #:		Date:	
CFS #:		Time:	
Location:			
SUSPECT INFORMATION			
Name:		Address:	
DOB:		Sex:	
Height:		Weight:	
Race:		Suspect Under The Influence of Intoxicants: <input type="checkbox"/> Yes <input type="checkbox"/> No	
NATURE OF INITIAL CONTACT			
(Check all that apply)			
<input type="checkbox"/> Burglary In Progress	<input type="checkbox"/> Domestic	<input type="checkbox"/> Disturbance Not Domestic	
<input type="checkbox"/> Robbery In Progress	<input type="checkbox"/> Civil Disorder	<input type="checkbox"/> Mentally Deranged	
<input type="checkbox"/> Suspicious Person	<input type="checkbox"/> Civil Process	<input type="checkbox"/> Dispatched Animal	
<input type="checkbox"/> Traffic	<input type="checkbox"/> Handling/Transporting	<input type="checkbox"/> Other	
<input type="checkbox"/> Arrest	Custody of Prisoner	(Specify): _____	
SOURCE OF CONTACT			
<input type="checkbox"/> Officer Initiated	<input type="checkbox"/> Dispatched	<input type="checkbox"/> Citizen Reported	<input type="checkbox"/> Other:
FORCE USED AGAINST OFFICER			
(Check all that apply)			
Lethal Force:	<input type="checkbox"/> Firearm	<input type="checkbox"/> Edged Weapon	<input type="checkbox"/> Blunt Object <input type="checkbox"/> Other (specify):
Nonlethal Force:	<input type="checkbox"/> Personal Weapons (Hands/Fist/Feet/etc) <input type="checkbox"/> Other (specify):		
FORCE USED BY OFFICER			
(Check all that apply)			
Lethal Force:	<input type="checkbox"/> Firearm	<input type="checkbox"/> Other (Specify):	
Nonlethal Force:	<input type="checkbox"/> Chemical Spray	<input type="checkbox"/> Takedown	<input type="checkbox"/> Taser (Serial #):
	<input type="checkbox"/> Pepperball	<input type="checkbox"/> Stun-Cuff	<input type="checkbox"/> Show of Force
	<input type="checkbox"/> Baton	<input type="checkbox"/> Come-along hold/joint lock	<input type="checkbox"/> Other (Specify):
INJURY TO SUSPECT			
<input type="checkbox"/> Death	<input type="checkbox"/> Minor Injury	<input type="checkbox"/> No Injury Observed-Complaint of Injury	
<input type="checkbox"/> Serious Injury	<input type="checkbox"/> No Injury-No Complaints	<input type="checkbox"/> Other (Specify):	
TREATMENT:	<input type="checkbox"/> EMS	<input type="checkbox"/> ER	<input type="checkbox"/> Refused <input type="checkbox"/> Mental Evaluation
INJURY TO OFFICER			
<input type="checkbox"/> Death	<input type="checkbox"/> Minor Injury	<input type="checkbox"/> No Injury Observed-Complaint of Injury	
<input type="checkbox"/> Serious Injury	<input type="checkbox"/> No Injury-No Complaints	<input type="checkbox"/> Other (Specify):	
TREATMENT:	<input type="checkbox"/> EMS	<input type="checkbox"/> ER	<input type="checkbox"/> Refused <input type="checkbox"/> Mental Evaluation
AUDIO/VIDEO/PHOTOS			
1. Is there an audio/video/photos of this incident?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Was audio/video/photos reviewed by supervisor?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is audio/video/photos attached to RTR?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please explain all "no" answers for questions 1-3:			

**OFFICERS PRESENT****NARRATIVE****REVIEW**

<b>Employee</b>	<b>Signature</b>	<b>Employee #</b>	<b>Date</b>	<b>Time</b>
Submitted By:				
Immediate Supervisor: (Responded to the Scene: <input type="checkbox"/> Yes <input type="checkbox"/> No)				
Use of Force Instructor:				
Commander or Jail Administrator:				
Deputy Chief of Police or Designee:				
Staff Services Commander:				

**SUPPLEMENTAL NARRATIVE****REVIEW**

	Signature	Employee #	Date	Time
Submitted By:				
Immediate Supervisor: (Responded to the Scene: <input type="checkbox"/> Yes <input type="checkbox"/> No)				
Use of Force Instructor:				
Commander or Jail Administrator:				
Deputy Chief of Police or Designee:				
Staff Services Commander:				



# **RESPONSE TO RESISTANCE / AGGRESSION**

## **FIREARMS SAFETY**



### **Rules & Regulations:**

- A. Employees shall **carry firearms** in accordance with law and established departmental procedures.
- B. Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall **use force** in accordance with law and departmental procedures.
- C. Employees shall not use or handle weapons in a careless or imprudent manner. Employees shall use weapons in accordance with law and departmental procedures.

### **Policy:**

Employees, in performing their lawful duties, have a need to overcome physical resistance and therefore are authorized to use physical force, up to and including deadly force, to affect a lawful arrest and need not desist in their attempt merely because resistance is offered but must overcome the resistance to bring the arrestee under physical control. Members of the Department shall use only the minimum effective, reasonable and legal force necessary to protect human life, effect an arrest or to achieve other law enforcement objectives.

### **Response to Resistance/Aggression:**

- A. Department employees will use only the minimum amount of force which is necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest or defend themselves from injury. No employee will use unreasonable or excessive force toward any person.
- B. When Response to Resistance/Aggression is necessary, the amount of force presented by the employee should be uniform to the amount of resistance/immediate threat displayed by the person to the employee or others.
- C. When possible, Department Employees will use the The Response to Resistance/Aggression in a progressive nature. This force may be in the form of presence, warnings, persuasion, verbal commands, physical contact, use of baton or other less-lethal weapons, or the use of deadly force.
- D. Deadly force is any force which may result in the death of any person. Whenever feasible, a public officer or employee should give warning prior to using deadly force. For the purposes of this section, deadly force is justified when an employee has probable cause to believe he or another is threatened with serious harm or deadly force while performing those lawful duties or as described below:
  - 1. Self-defense - To prevent death or immediate danger of serious physical injury to oneself.
  - 2. Defense of others - To prevent death or immediate danger of serious physical injury to others.
  - 3. Apprehension or Escape - To apprehend or prevent the escape of persons against whom the use of deadly force is authorized under self defense or defense of others. If feasible or if time allows, all lesser means should be reasonably exhausted and some warning should be given.
  - 4. Suppression of riot - To protect persons or property during a riot when necessary to disperse or apprehend rioters when the use of deadly force is authorized in self defense or defense of others.

### **Prohibitions:**

- A. Warning shots are prohibited.
- B. Firing from or at a vehicle is authorized in self defense, defense of others or under conditions of Apprehension or Escape above. Firing from or at a vehicle is prohibited during all other times.
- C. Carrying firearms or dangerous ordinance while under the influence of alcohol or drugs is prohibited except when authorized.

### **Firearms Safety:**

#### **I will:**

- A. Promote firearms safety through my own actions.
- B. Never draw firearms as a joke or jest.
- C. Regard all firearms as being loaded.
- D. Know and use the safety devices of all firearms with which I am armed.
- E. Never let the muzzle cover anything you are not willing to destroy.
- F. If feasible or if time allows issue a warning to the suspect before firing.
- G. First identify my target and ensure a clear field of fire before discharging a weapon.
- H. Never arm myself with a weapon I am not fully qualified to use.
- I. Secure and store weapons in such a way as to prevent unauthorized access.
- J. Be aware that my conduct in handling weapons is my own responsibility.

**NOTE:** See General Order 219 for a detailed explanation on the Response to Resistance/Aggression

**I HAVE READ AND UNDERSTAND THE ABOVE POLICY PERTAINING TO FIREARMS SAFETY AND RESPONSE TO RESISTANCE/AGGRESSION:**

<b>OFFICER'S PRINTED NAME</b>	<b>OFFICER'S SIGNATURE</b>	<b>DATE</b>
<b>SUPERVISOR'S PRINTED NAME</b>	<b>SUPERVISORS SIGNATURE</b>	<b>DATE</b>

<b>114.00 Line of Duty Death and Injury</b>			
<b>Effective Date:</b>	January 1, 2015	<b>Rescinds: Amends:</b>	All Prior
<b>Distribution:</b>	ALL PERSONNEL	<b>Re-evaluation Date:</b>	January 1, 2016
<b>Related NMLEPSC Standards:</b>	ADM.24.04		

## I. PURPOSE

The purpose of this General Order is to set guidelines and procedures regarding notifications and assistance to family members of Los Alamos County Police Department personnel killed or seriously injured in the line of duty.

## II. POLICY

It is the policy of the Los Alamos County Police Department to provide all possible assistance to the immediate survivors of a current member who is killed in the line of duty, whether feloniously or accidentally. Likewise, all possible assistance will be provided to immediate family members of personnel seriously injured in the line of duty. **See also General Order 219 – Use of Force – Section IV.M.5).**

## III. DEFINITIONS

**SERIOUS INJURY** – means any injury resulting in the hospitalization (other than treatment and release) of a member, or their incapacitation.

## IV. PROCEDURES

- a. Immediate family members will be notified without delay in the event an on- duty death or injury requiring hospitalization or other incapacitation by the Chief of Police or designee. Where possible, such notification shall be made in person. The individual making such notification may be accompanied by appropriate personnel from the Department or community (E.g., a chaplain or member of the clergy, etc.). The names of deceased or injured members of the Department will not be released to the media prior to the notification of the immediate family and family members living in state. Such release will be made by the Department's Public Information Officer (PIO) after being cleared by the Chief of Police.
- b. Family member(s) will be given assistance in responding to the hospital or other location(s) as needed.
- c. Assistance will be rendered in the care of children or other dependents, pets, or other matters needing immediate assistance.
- d. A command officer, or other Department member designated by the Chief of Police, will be assigned as a liaison to the family and will remain with the family while at the

hospital or other location as requested. The liaison officer will arrange transportation for the family and any other possible assistance.

- e. The liaison officer will keep the family informed of all developments if a criminal investigation surrounds the death, prior to any news release.
- f. The liaison officer should assist the family by screening them from the news media. The liaison should assume this responsibility unless requested otherwise by the family. The liaison officer should attend any news media interviews and “screen” questions presented to the family that may jeopardize the investigation or any legal proceedings.
- g. The liaison officer shall assist the family in regard to explaining and/or obtaining any counseling services, insurance or other benefits and community services.
- h. The liaison officer will discuss arrangements with the Survivor. The Survivor must be made aware of the potential magnitude of the police funeral. All options for the service will be presented to the family. The Survivor will make all decisions, and these decisions will be final even if not the wishes of the agency.
- i. Members killed in the line of duty are eligible for certain ceremonial rituals at their showing hours and funeral. It must be reiterated that the Survivor has the final say regarding funeral planning.
- j. A marked cruiser and officer may be posted outside the incapacitated or deceased employee’s home from the time of the fatality or injury through the end of the funeral day or stay at the hospital. The duty of this detail is to discourage any visits from media or others, unless the Family Liaison Representative indicates the family wishes to speak with the media.
- k. The liaison officer shall remain in contact with the family and arrange for assistance the Department may be able to render (E.g., assistance with home or car repairs, etc.).
- l. The Chief of Police shall arrange a “Critical Incident Debriefings” after the death or serious injury of a Department member for those who may have been directly involved in the incident; and for those members of the Department who wish to participate.

**Approved by:**

A handwritten signature in black ink, appearing to read "Dino Sgambellone". The signature is fluid and cursive, with the first name "Dino" being more prominent.

Dino Sgambellone  
Chief of Police